

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Virgil L. Smith

-vs-

Illinois Power Company

Complaint as to disconnecting electric
power to residence in Eldorado Illinois,
with a person on life support

Case # 04-0549

CHIEF CLERK'S OFFICE

2005 DEC 21 P 1:13

ILLINOIS
COMMERCE COMMISSION

POST - HEARING - BRIEFS

I Virgil L. Smith, Complaint in the above matter, and in accordance with the Rules of
Practice of the Illinois Commerce Commission, 83 Ill, Administrative Code 200.800

BRIEFS, I respectfully submit the following:

BRIEFS

1. On June 24th, 2004, an Illinois Power Company employee disconnected the power source to the residence of Virgil L. and Melody J. Smith, parents of Adam Wayne Smith who is on life support at said residence, and who is registered on the Illinois Power Company's life support registry.
2. The Incident Report filed with the Illinois Commerce Commission, is and will remain as a matter of fact in this case, due to the fact that Illinois Power Company did not demonstrate at the Hearing of November 29th, through the testimony of their employees that they were not negligent in their responsibilities to maintain a responsible life support registry, and protect human life without bias or prejudice to regards to financial circumstances.
3. This case was not filed with respect to past due bills, but rather to the illegal disconnect of power to a person on life support, that could cause serious injury or even death, as demonstrated by a letter from the Doctor of Adam W. Smith.
4. We have never denied owing a past due amount on the account, but through the testimony of Ms Smith, and the testimony of Ms Deborah Bursey, the Managing Supervisor of Credit & Collections for Illinois Power Company, we were paying

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on the account , and we do not feel that \$800.00 plus dollars is or should be a condition to warrant the disconnect of power source to a life support patient.

5. The Laws and Rules on medical conditions for utility services, as stated in (220 ILCS 5/8-204) (from Ch. 111 2/3, par. 8-204) Sec. 8-204:
Clearly state that it is the responsibility of the family to **notify** respective utility company that there is a person on life support at their residence is a notice to notify, and not an **agreement** as presented at the hearing with the examining of Ms Smith under oath by Mr. Fitzhenry.
6. An agency for the State of Illinois was the initial contact with Illinois Power Company, to inform them that there was a person on life support at the address in question. This is proof that there are no agreements involved in this process, and that there are no signed agreements.
7. It would appear that Illinois Power Company is using a **Business Decision** in order to justify the means to turn off the power source to a person on life support. **It would be worth noting at this point, that this case is based upon a human that is on life support, and there are no logical or sound reasons to turn off the power source to a person requiring such to maintain life, as it has been demonstrated by the person in questions medical Doctor.**
8. Concerning the Life Support Registry: It would appear by the testimony of those that testified at the hearing of Nov. 29th. That they do not look upon the registry in the manner that it was intended by those that drafted the ruling.
For example, Life Support means Life Support, and having that foreknowledge would require additional care not to turn off the power source to that individual. This will be addressed in more detail in later briefs and responses .
9. Concerning the special tag: I believe the driver Mr. Charles Burnett, gave false testimony to his knowledge of a **Special Red , Do Not Interrupt, Meter Tag**. As was shown to him at the hearing. I have made contact with Ameren CIPS and they indicated to me that as far as they were aware , all the Ameren Companies use the same **Red Alert Medical** tagging system . (Please see attached photo)
10. I also believe Mr. Burnett gave false testimony to his making contact with the family before turning off the power source to a person on life support.
11. We maintain that Illinois power Company is, and remains in violation of Section 280.130 of the Administrative Code. and their interpretation of the Code is in question, and a matter of convenience .

12. Conclusion:

I realize there has been many issues brought before the Commission that may not have a direct bearing on its final decision in this case, and the fact that I am representing myself as a Pro Se Litigant, may in itself complicate the matter.

The Commission has a very serious issue at hand, and although I may not have represented my family as quite as well as an attorney would have done, but it does not lessen the serious nature of having a the power source disconnected to a person on life support by a utility company that made the decision based upon a past due bill, and their interpretation of the Ruling or Code that may govern their actions.

Having prior knowledge that a condition exist, and acting upon that knowledge and disconnecting the power source to a person on life support is a serious issue. One that can and will be addressed with other Governing Bodies, to include the Civil and Criminal Court System.

Therefore, we pray the Commission look upon this case as a matter of fact, and look at the issue at hand, and make a decision that will protect life, not attempt to take it due to a breakdown in a system that is flawed by a convenience of interpretation .

Respectfully submitted

By: 

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Pro Se

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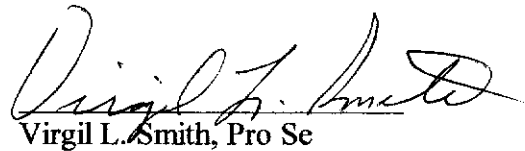
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PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon each of the following individuals by enclosing the same in an envelope addressed to said person at his last known mailing address as disclosed by the pleadings of record herein, with postage fully prepaid, and by depositing said envelope in a United States post Office mail box in Eldorado, Illinois, 5:00 P.M. on the 19th day of December, 2005:

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